

AMENDED IN SENATE MAY 2, 2005

SENATE BILL

No. 10

Introduced by Senator Dunn

December 6, 2004

~~An act relating to construction defects.~~ *An act to amend Section 798.73 of the Civil Code, relating to mobilehomes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Dunn. ~~Construction defects: litigation: insurance~~ *Mobilehome parks: removal of mobilehomes.*

Existing law regulates the terms and conditions of mobilehome park residencies. Existing law prohibits the management of a mobilehome park from requiring the removal of a mobilehome as a condition of its sale or as part of an eviction, as specified. Existing law permits certain older mobilehomes to be removed from a park when they do not comply with specified health and safety standards following an inspection by a designated enforcement agency.

This bill would permit a private home inspector to perform a health and safety compliance inspection on mobilehomes, as described above. The bill would also prohibit management of a mobilehome park from requiring a homeowner to use a home inspector of the management's choice as a condition of sale.

~~Existing law sets forth the defects in residential construction that are actionable and the procedures necessary to bring an action against a builder or other persons for residential construction defects.~~

~~This bill would provide that it is the intent of the Legislature to enact legislation to provide for the equitable resolution of construction defect claims and litigation and to address the costs of liability insurance for builders, contractors, and subcontractors.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 798.73 of the Civil Code is amended to
2 read:
- 3 798.73. The management may not require the removal of a
4 mobilehome from the park in the event of its sale to a third party
5 during the term of the homeowner's rental agreement or in the 60
6 days following the initial notice required by paragraph (1) of
7 subdivision (b) of Section 798.55. However, in the event of a sale
8 to a third party, in order to upgrade the quality of the park, the
9 management may require that a mobilehome be removed from
10 the park where:
- 11 (a) It is not a "mobilehome" within the meaning of Section
12 798.3.
- 13 (b) It is more than 20 years old, or more than 25 years old if
14 manufactured after September 15, 1971, and is 20 feet wide or
15 more, and the mobilehome does not comply with the health and
16 safety standards provided in Sections 18550, 18552, and 18605
17 of the Health and Safety Code and the regulations established
18 thereunder, as determined following an inspection by the
19 appropriate enforcement agency, as defined in Section 18207 of
20 the Health and Safety Code, *or a private home inspector. The*
21 *management shall not require a homeowner to use a home*
22 *inspector of the management's choice as a condition of sale.*
- 23 (c) The mobilehome is more than 17 years old, or more than
24 25 years old if manufactured after September 15, 1971, and is
25 less than 20 feet wide, and the mobilehome does not comply with
26 the construction and safety standards under Sections 18550,
27 18552, and 18605 of the Health and Safety Code and the
28 regulations established thereunder, as determined following an
29 inspection by the appropriate enforcement agency, as defined in
30 Section 18207 of the Health and Safety Code, *or a private home*
31 *inspector. The management shall not require a homeowner to use*
32 *a home inspector of the management's choice as a condition of*
33 *sale.*
- 34 (d) It is in a significantly rundown condition or in disrepair, as
35 determined by the general condition of the mobilehome and its

1 acceptability to the health and safety of the occupants and to the
2 public, exclusive of its age. The management shall use
3 reasonable discretion in determining the general condition of the
4 mobilehome and its accessory structures. The management shall
5 bear the burden of demonstrating that the mobilehome is in a
6 significantly rundown condition or in disrepair. The management
7 of the park may not require repairs or improvements to the park
8 space or property owned by the management, except for damage
9 caused by the actions or negligence of the homeowner or an
10 agent of the homeowner.

11 ~~SECTION 1. It is the intent of the Legislature to enact~~
12 ~~legislation to provide for the equitable resolution of construction~~
13 ~~defect claims and litigation and to address the costs of liability~~
14 ~~insurance for builders, contractors, and subcontractors.~~